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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,317	12/28/2001	Steve Craig Betz	PU010323	9657

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EXAMINER

GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/05/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,317

Applicant(s)

BETZ ET AL.

Examiner

Christopher Grant

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (5,585,838).

Considering claims 1 and 10, Lawler discloses an interactive television/broadcast system and corresponding method comprising:

a) a display screen (figure 3);

b) an EPG having at least one display window (110) and a grid guide (80), the grid guide including a plurality of titled cells displayed on the display screen (78), wherein the EPG displays a video-clip preview (110, col. 10, lines 27-56) in the least one display window (110) on demand by automatically launching the video clip preview (110), after browsing and navigating through the grid guide to highlight a program titled cell (col. 9, lines 56-64), and remaining at the highlighted program titled cell for a predetermined delay (e.g. until the user selects or highlights another title).

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3. Claims 1, 8, 10 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Schein et al. (Schein - 6,075,575).

Considering claims 1 and 10, Schein discloses an interactive television/broadcast system and corresponding method comprising:

a) a display screen (figures 4A,4B);

b) an EPG having at least one display window (128,126) and a grid guide (102,104), the grid guide including a plurality of titled cells displayed on the display screen, wherein the EPG displays a video-clip preview (col. 9, lines 38-41) in the least one display window (128) on demand by automatically launching the video clip preview, after browsing and navigating through the grid guide to highlight a program titled cell (col. 9, lines 41-44), and remaining at the highlighted program titled cell for a predetermined delay (e.g. until the user selects or highlights another title).

Claims 8 and 18 are met by user profile and preferences disclosed at col. 12, lines 33-67.

4. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al. (Knudson - 6,526,577).

Considering claim 19, Knudson discloses an interactive television/broadcast system and corresponding method comprising:

a) a display screen (figures 5, 9, 16, 17);

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b) an EPG having at least one display window (1621, 1611) and a grid guide (figures 5 or 9), the grid guide including a plurality of titled cells, displayed on the display screen, wherein the EPG displays a full screen video on demand when selecting a preview option (see the entire reference including but not limited to the abstract, col. 1, lines 50-53, col. 2, lines 6-19 and col. 12, line 55 – col. 14, line 4.

Claim 20 is met by the remote control making selections as described throughout the entire reference including but not limited to col. 10, lines 39-59 and col. 12, line 55 - col. 14, line 4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Rowe et al. (Rowe – 5,812,123).

Considering claims 2 and 11, Schein discloses the at least one display window includes a first display window (126) for displaying a currently tuned program and a second display window (128) for displaying the video clip preview (figures 4A & 4B). However,

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Schein fails to specifically disclose an audio track of the video clip preview as recited in the claims.

Rowe discloses an interactive television/broadcast system comprising an EPG display system (figures 2, 3, 4, 6, 7 or 8) having a video clip preview (92) and an audio track for the video clip preview that is heard by the subscriber (col. 14, lines 23-46). Rowe's system allows continuation of broadcast audio when the subscriber switches channels, informs/attracts the subscriber of promotional events in audio and promotes simple and convenient selection of desired programming. See col. 14, lines 23-36 and col. 4, lines 48-51.

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include an audio track of the video clip preview, as taught by Rowe, for the advantages of allowing continuation of broadcast audio when the subscriber switches channels, attracting the subscriber of promotional events in audio and promoting simple and convenient selection of desired programming.

As for claims 3, 4, 12 and 13, the combined systems of Schein and Rowe fail to specifically disclose a still image of the video clip preview prior to the display of the video clip preview and displaying a loading message or icon representative of an imminent video clip as recited in the claims.

The Examiner takes Official Notice that it is notoriously well known in the art to provide still images, loading messages or an icon representative of an imminent application, program or video on a display for the advantage of informing the viewer that a program is loading, executing or running and is about to occur. For example, impending information includes messages such

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as “*Loading, please wait....*” or “**Processing, please wait**”, the typical display of the hour glass icon when PC programs are loading and the display of static images.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include a still image of the video clip preview prior to the display of the video clip preview and/or displaying a loading message or icon representative of an imminent video clip for the typical advantage of informing the viewer that a program is loading, executing or running and is about to occur.

Claims 5 and 14 are met by the combined systems of Schein and Rowe, wherein Schein discloses navigation and selection within the preview window as disclosed throughout the entire reference including but not limited to col. 3, lines 3-8, col. 5, lines 56-65 and col. 9, lines 43-44.

7. Claims 6, 7, 9 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Rowe and further in view of Reynolds (6,563,515).

Considering claims 6 and 15, the combined systems of Schein and Rowe disclose a remote control device including navigation buttons for navigating and browsing through the grid guide. See Schein at column 4, line 10 – column 6, line 11 and figure 1. See Rowe at column 9, lines 1-65.

However, the combined systems of Schein and Rowe fail to specifically disclose a remote control device comprising a preview button for selecting to display the video clip preview as recited in the claims.

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Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, a second display window (80) (col. 9, lines 60-67) for displaying a video clip preview and a remote control device (50, figure 4) having a preview button (56) for selecting to display the video clip preview on the display screen (col. 7, lines 28-31 and col. 9, line 60 – col. 10, line 10).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include a remote control device comprising a preview button for selecting to display the video clip preview, as taught by Reynolds, for the advantage of facilitating the user with an easy way to make a selection of an item, option or a function on a display with the use of an input device.

Claims 7, 16 and 17 are met by the combined systems of Schein, Rowe and Reynolds, wherein Schein discloses a remote control having a record button (figure 1) for operating a VCR (82, figure 3) as disclosed at col. 4, line 47 – col. 5, line 5 and col. 14, lines 1-9.

Considering claim 9, the combined systems of Schein and Rowe fail to disclose program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview as recited in the claims.

Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, and second display window (80) (col. 9, lines 60-67) for displaying a video clip preview, wherein

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program titled cells having an associated video clip preview has an icon (79). Note that the other program titled cells not having an associated video clip preview does not have an icon (79). See col. 10, lines 21-32. Reynold's system informs the viewer of the status (i.e. availability) of preview programs.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview, as taught by Reynolds, for the advantage of informing the viewer of the availability of preview programs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dunn discloses a preview in full screen (figures 4-6).

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
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Alexandria, VA 22313-1450

on _____.
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Typed or printed name of person signing this certificate:

Signature: _____

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) ____ - ____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Grant whose telephone number is (703) 305 4755.

The examiner can normally be reached on Monday-Friday 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Christopher Grant
Primary Examiner
Art Unit 2611

CG
May 29, 2003